IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE V.ESWARAIAH**

**WRIT PETITION No. 23650 of 2005**

Between:

Nitta Ugra Senudu

**..... PETITIONER**

AND

The Mandal Revenue Officer, Sompeta,

Sompeta Mandal, Srikakulam District and 3 others

**.....RESPONDENTS**

**ORDER:**

Seeking a Mandamus, declaring the action of the respondents in not supplying the essential commodities to the petitioner's fair price shop of Ramayyapatnam village, Sompeta Mandal, without notice, suspension or cancellation of the authorization, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

It is stated that pursuant to the report of the Mandal Revenue Officer, Sompeta Mandal, the Sub Inspector of Police, Baruva P.S. without registering any case, illegally seized 40 liters of kerosene oil and a motor cycle while transporting by one Baratam Baburao, who was said to have been made statement that he has purchased the said kerosene oil from the petitioner, and consequently proceedings under Section 6-A of the Essential Commodities Act have been initiated against the petitioner. It is further stated that on the ground that proceedings under Section 6-A of the Essential Commodities Act are pending, the respondents stopped the supply of essential commodities to the fair price shop of the petitioner.

It is stated that, no criminal case has been registered against the petitioner. Initiation of proceedings under Section 6-A of the Essential Commodities Act are different and distinct from that of taking action under the Andhra Pradesh State Public Distribution System Control Order, 2001. Any allotment of authorization, suspension or cancellation is only in accordance with the Andhra Pradesh State Public Distribution System Control Order, 2001. No action has been taken under the said Control Order, and without taking any recourse under the said Control Order, supply of essential commodities to the fair price shop of the petitioner has been stopped. Without cancelling or suspending the fair price shop dealership of the petitioner, the respondents stopped the supply of essential commodities to the shop of the petitioner, which is improper and illegal and against the provisions of the Andhra Pradesh State Public Distribution System Control Order, 2001.

In that view of the matter, I deem it appropriate to allow the writ petition, directing the respondents to supply the essential commodities to the fair price shop of the petitioner for purpose of distribution to the respective cardholders, as long as his authorization is not suspended or cancelled.

With the above observations, the Writ Petition is allowed. No order as to costs.

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**V.ESWARAIAH,J**

Dated: 03.11.2005

Dsr

**Note:**

**Issue CC by tomorrow**

**B/o**

**Dsr**